

(1) Methods for informing staff of State policies, standards, procedures, and instructions; and

(2) Systematic planned examination and evaluation of operations in local offices.

**§ 400.23 Hearings.**

(a) A State must provide applicants for, and recipients of, assistance and services under the Act with an opportunity for a hearing to contest adverse determinations using hearing procedures set forth in § 205.10(a) of this title for public assistance programs unless otherwise specified in this part.

(b) If the issue is the date of entry into the United States of an applicant for or recipient of assistance or services, the State or its designee must provide for prompt resolution of the issue by inspection of the individual's documentation issued by the Immigration and Naturalization Service (INS) or by information obtained from INS, rather than by hearing.

[51 FR 3914, Jan. 30, 1986, as amended at 65 FR 15443, Mar. 22, 2000]

**§ 400.24 [Reserved]**

**§ 400.25 Residency requirements.**

A State may not impose requirements as to duration of residence as a condition of participation in the State's program for the provision of assistance or services.

**§ 400.26 [Reserved]**

**§ 400.27 Safeguarding and sharing of information.**

(a) Except for purposes directly connected with, and necessary to, the administration of the program, a State must ensure that no information about, or obtained from, an individual and in possession of any agency providing assistance or services to such individual under the plan, will be disclosed in a form identifiable with the individual without the individual's consent, or if the individual is a minor, the consent of his or her parent or guardian.

(b) The provision by a State to a local resettlement agency or by a local resettlement agency to a State, of information as to whether an individual

has applied for or is receiving cash assistance and the individual's address and telephone number is to be considered undertaken for a purpose directly connected with, and necessary to, the administration of the program during the first 36 months after such individual's entry into the United States.

[51 FR 3914, Jan. 30, 1986, as amended at 54 FR 5476, Feb. 3, 1989; 65 FR 15443, Mar. 22, 2000]

**§ 400.28 Maintenance of records and reports.**

(a) A State must provide for the maintenance of such operational records as are necessary for Federal monitoring of the State's refugee resettlement program in accordance with part 74, Subpart D, of this title. This recordkeeping must include:

(1) Documentation of services and assistance provided, including identification of individuals receiving those services;

(2) Records on the location, progress, and status of unaccompanied minor refugee children, including the last known address of parents; and

(3) Documentation that necessary medical followup services and monitoring have been provided.

(b) A State must submit statistical or programmatic information that the Director determines to be required to fulfill his or her responsibility under the Act on refugees who receive assistance and services which are provided, or the costs of which are reimbursed, under the Act.

(Approved by the Office of Management and Budget under control number 0960-0418)

**Subpart D—Immigration Status and Identification of Refugees**

SOURCE: 51 FR 3915, Jan. 30, 1986, unless otherwise noted.

**§ 400.40 Scope.**

This subpart sets forth requirements concerning the immigration status and identification of eligible applicants for assistance under title IV of the Act.

**§ 400.41 Definitions**

For purposes of this subpart—

## § 400.43

*Applicant for asylum* means an individual who has applied for, but has not been granted, asylum under section 208 of the Act.

*Asylee* means an individual who has been granted asylum under section 208 of the Act.

### DOCUMENTATION OF REFUGEE STATUS

#### § 400.43 Requirements for documentation of refugee status.

(a) An applicant for assistance under title IV of the Act must provide proof, in the form of documentation issued by the Immigration and Naturalization Service (INS), of one of the following statuses under the Act as a condition of eligibility:

(1) Paroled as a refugee or asylee under section 212(d)(5) of the Act;

(2) Admitted as a refugee under section 207 of the Act;

(3) Granted asylum under section 208 of the Act;

(4) Cuban and Haitian entrants, in accordance with requirements in 45 CFR part 401;

(5) Certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100-202 and amended by the 9th proviso under Migration and Refugee Assistance in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Public Law 100-461 as amended)); or

(6) Admitted for permanent residence, provided the individual previously held one of the statuses identified above.

(b) The Director will issue instructions specifying the documentation that applicants for assistance must submit.

[51 FR 3915, Jan. 30, 1986, as amended at 65 FR 15443, Mar. 22, 2000]

#### § 400.44 Restriction.

An applicant for asylum is not eligible for assistance under title IV of the Act unless otherwise provided by Federal law.

[51 FR 3915, Jan. 30, 1986, as amended at 65 FR 15443, Mar. 22, 2000]

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### Subpart E—Refugee Cash Assistance

SOURCE: 65 FR 15443, Mar. 22, 2000 unless otherwise noted.

#### § 400.45 Requirements for the operation of an AFDC-type RCA program.

This section applies to a State's RCA program that follows the State's rules under the Aid to Families with Dependent Children (AFDC) program under title IV-A of the Social Security Act, prior to amendment by Public Law 104-33. A State must continue to apply these rules to its RCA program until it implements a new RCA program under § 400.56 or § 400.65. A State that receives an approved waiver under § 400.300 to continue an AFDC-type RCA program must follow the rules in this section.

(a) *Recovery of overpayments and correction of underpayments.* The State agency must comply with regulations at § 233.20(a)(13) of this title governing recovery of overpayments and correction of underpayments in the AFDC program.

(b) *Opportunity to apply for cash assistance.* (1) A State must provide any individual wishing to do so, an opportunity to apply for cash assistance and must determine the eligibility of each applicant.

(2) In determining eligibility for cash assistance, the State must—

(i) Comply with the regulations at part 206 of this title governing applications, determinations of eligibility, and furnishing assistance under public assistance programs, as applicable to the AFDC program;

(ii) Determine eligibility for other cash assistance programs in accordance with § 400.51; and

(iii) Comply with regulations at § 400.54(a)(3) and 400.68.

(c) *Emergency cash assistance to refugees*—A State must comply with the regulations at § 400.52.

(d) *General eligibility requirements*—A State must comply with the regulations at § 400.53.

(e) *Consideration of income and resources.* In considering the income and resources of applicants for and recipients of refugee cash assistance, the State agency must: